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 DONG YOUNG DIAMOND INDUSTRIAL CO., LTD,
 AND DONGSOO LEE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CONTINENTAL D.I.A. DIAMOND
 PRODUCTS, INC., a California corporation,

Plaintiff,

vs.

DONG YOUNG DIAMOND INDUSTRIAL
 CO., LTD., a South Korean company,
 DONGSOO LEE, an individual, and DOES 1-
 10, inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. CV 3:08-CV-02136 SI

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING TIME FOR CONTINENTAL
 D.I.A. DIAMOND PRODUCTS, INC. TO
 RESPOND TO DEFENDANTS' AMENDED
 COUNTERCLAIMS**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008

Trial Date: November 9, 2009

STIPULATION

WHEREAS, on January 15, 2009 the Court entered an order staying the case and moving the case management deadlines out approximately three months (*See* Dkt. Nos. 76-79);

WHEREAS, on February 10, 2009 the Court granted, in part, Plaintiff Continental D.I.A. Diamond Products, Inc.'s ("Continental") Motion to Dismiss Defendants' Amended Counterclaims (*See* Dkt. No. 80);

WHEREAS, in light of the Court issuing its order during the stay, Continental and Defendants (collectively the "Parties") are uncertain whether the stay effects the time for Continental to respond to Defendants' Amended Answer and Counterclaims. Presuming the stay is inapplicable, Continental's response to the Amended Counterclaims is due on February 25, 2009;

WHEREAS, in the exercise of caution and to prevent further delay should the parties be unable to resolve matters through settlement discussions, Continental intends to file its response to Defendants' Amended Answer and Counterclaims. However, due to the travel schedule of Continental's President, Continental will be unable to file such a response within 10-court days as required by the Federal Rules of Civil Procedure;

WHEREAS, Defendants have agreed to provide Continental with a 10-court day extension to file its response to Defendants' Amended Answer and Counterclaims;

WHEREAS, this is the fifth extension sought in relation to the counterclaim and amended counterclaims, this extension is not for the purpose of delay, and the parties believe that this short extension of time will not effect any dates and other deadlines that have been set by the Court due to the current stay imposed by the Court and is in the interests of justice. (*see* Declaration of Jeffrey M. Ratnoff filed herewith);

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1 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
2 STIPULATE that the deadline for Continental to file its response to Defendants' Amended
3 Counterclaims, which was originally due on February 25, 2009, may be filed and served up to and
4 including March 11, 2009.

5 **IT IS SO STIPULATED BY THE PARTIES.**

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7 Dated: February 25, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

8 */s/ Jeffrey M. Ratinoff*

9 By: JEFFREY M. RATINOFF

10 Attorneys for Plaintiff/Counter-Defendant,
11 Continental D.I.A. Diamond Products, Inc.

12 Dated: February 25, 2009 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

13 */s/ Alfred C. Frawley*

14 By: ALFRED C. FRAWLEY

15 Attorneys for Defendants/Counterclaimants,
16 Dong Young Diamond Industrial Co., Ltd., and Dongsoo Lee

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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19 Dated:

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22 THE HONORABLE SUSAN ILLSTON
23 UNITED STATES DISTRICT COURT JUDGE
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